

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 136 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

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RANCHHODBHAI GOVINDBHAI

Versus

HALVAD NAGAR PANCHAYAT

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Appearance:

MR NK MAJMUDAR for Petitioners

MR UTPAL PANCHAL for Respondent No. 1

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 21/09/1999

ORAL JUDGEMENT

#. Heard the learned counsel for the parties.

#. Leaving apart whether the consent award of the Labour Court, on which strong reliance has been placed by learned counsel for the petitioner is valid or not, otherwise also, on merits, I am satisfied that this writ petition is nothing but only an attempt on the part of the petitioners to abuse the process of the Court.

#. The respondent filed a detailed reply to the special civil application to which the petitioners have not filed rejoinder. The facts stated in the reply to the special

civil application are to be taken as uncontroverted. In para-4 of the reply, it is stated that Govindbhai Ukabhai, the father of the petitioner No.1, and the mother of the petitioner No.1, both were in employment of the respondent and on attaining the age of superannuation they retired from services on 31st January 1991. It has further been stated that both the father and mother of petitioner No.1 are getting regular pension. The brother of the petitioner No.1 is working with the Railway Administration. It is a case of joint family. The petitioner No.2 is the sister-in-law of petitioner No.1, i.e. wife of his brother - Kalu Govind, who is, as stated earlier, in Railway Administration. The petitioner No.3 is the daughter-in-law of one Moti Puja, who as well as his wife Ramuben Moti have retired from the services of the respondent. Their two sons, namely Gulab Moti and Suraj Moti are in service of the respondent.

#. Compassionate appointment on the ground of death of bread earner of the family or on retirement of the employee cannot be given as a matter of course or right. For this appointment, the dependents have to establish as a fact and that too, to the satisfaction of the Court in the case, that because of the retirement of their parents, they have been put to such financial crises where but for the employment, they cannot overcome the same. In this case, so far as the petitioners No.1 and 2 are concerned, both the employees who retired from the services of the respondent, i.e. father and mother of petitioner No.1 and father-in-law and mother-in-law of petitioner No.2, are getting regular pension. The brother of petitioner No.1 and husband of petitioner No.2 is also in employment of railway administration and out of five members in the family, one is in employment and two are getting pension. If in such case, the claim of petitioner No.1 on compassionate grounds is accepted, it will be nothing but fraud on the constitutional provisions as contained in Article 14, 16, and 21 of the Constitution of India. Similar is the case with petitioner No.3 whose mother-in-law and father-in-law are getting pension and their two sons are in employment of respondent itself.

#. This writ petition is a clear attempt on the part of the petitioners to abuse the process of the Court as well as an attempt to defraud the provisions as contained in Article 14, 16 and 21 of the Constitution of India. I do not find any merits, much less any justification in the claim of the petitioners for compassionate appointment. As a result of this discussion, this special civil

application is dismissed. The petitioners No.1, 2 and 3 each are directed to pay Rs.2,000/= as costs of this writ petition. The petitioners No.1, 2 and 3 are directed to deposit this amount of Rs.2,000/= each in the National Defence Fund in any of the designated branch of the State Bank of India and to produce receipts of deposit of the same on the record of this special civil application. This amount has to be deposited within a period of one month from today. A copy of this order be sent to the petitioners forthwith. Rule discharged.

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[sunil]